

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ted A. BARNES	§	
	§	
Serial Number: 10/727,697	§	
	§	Group Art Unit: 3727
Filed: December 4, 2003	§	
	§	
For: ACCESSORY MOUNT FOR VEHICLE	§	Examiner: Lester L. Vanterpool
CONTROL BODIES	§	

SUPPLEMENTAL INTERVIEW SUMMARY

Dear Sir:

Applicant submits this Supplemental Interview Summary to clarify the record as Applicant believes the interview summary of record does not accurately and completely reflect the interview. Applicant, through its undersigned attorney, conducted an interview with the Examiner and his Supervisor on August 19, 2008, by telephone.

Immediately prior to the interview (at 8:47 and 9:42 AM CST), Applicant sent copies of the case law by email to Examiner. Applicant then called Examiner, but was informed that Examiner had not had the opportunity to review the case law forwarded. Examiner then transferred or otherwise connected the call to the phone used for the interview. During the interview, Examiner did not speak. Only the Supervisor spoke. Applicant presented an overview of the relevant holdings of case law as it related to the preambles of the pending claims, taking the position that these should be accorded full weight under applicable case law based on the structure of the claims. The Supervisor agreed that the "form paragraph" MPEP language cited in the Final Office Action might not be applicable. There was no further discussion of the preamble in the interview. Applicant then pointed out that the entirety of his response, filed prior to the Final Office Action, had not been completely considered.

At this point, Applicant attempted to initiate discussion of the argument presented in his response which had not been considered, which distinguished the claimed invention from the prior art. The Supervisor summarily rejected the argument, with very little discussion. The Supervisor stood by the position taken in the previous Office Action, and as a consequence, stood by the rejection of all pending claims over the cited prior art. Specifically, and without entertaining further consideration of the arguments presented in the filed response, the Supervisor stated that he was interpreting element 34 of Masui to be the same as the body 12 of the present invention, and that he would not agree to interpret it otherwise. There was no further discussion, and there was no further explanation in the short interview.

Specifically, Applicant has no recollection whatsoever of any mention or discussion of the preamble reciting an "Or" statement in the interview as reflected in Examiner's Interview Summary. A reading of Examiner's Interview Summary was the first instance of Applicant's knowledge of this argument, which Applicant finds contradictory to the plain and clear words of the preamble, and absent from the Office Action as a basis for rejection of the claims.

Applicant further has no recollection whatsoever of any of the following statement in Examiner's Interview Summary:

~~The Examiner presented the case how Masui et al., '241 was being applied to meet the structural limitations set forth in the independent claims. Furthermore, the examiner explained that the applicant was only claiming "a vehicle accessory mount". Wherein the the vehicle accessory mount is adapted for attachment to (1) a control bracket OR (2) a clutch control body (SEE PREAMBLE). Based on claim 1, lines 3 & 5, it is clear that applicant selected the vehicle accessory mount to be adapted to the control bracket and NOT (2) the clutch control body. Applicant was further advised that the control body in claim 1, lines 9 & 10 were not given heavy consideration since the preamble recited an "OR" statement and the "vehicle accessory mount was NOT being adapted for attachment to BOTH the control bracket and the clutch control body.~~

Applicant submits this correction in order to present a clear and accurate record of the interview.

Respectfully submitted,

Dated: November 6, 2008
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